

1 M. PATRICIA THAYER (SBN 90818)
2 pthayer@sidley.com
3 AARON R. BLEHARSKI (SBN 240703)
4 ableharski@sidley.com
5 SIDLEY AUSTIN LLP
555 California Street
6 San Francisco, California 94104
7 Telephone: (415) 772-1200
8 Facsimile: (415) 772-7400

9 SANDRA S. FUJIYAMA (SBN 198125)
10 sfujiyama@sidley.com
11 SAMUEL N. TIU (SBN 216291)
12 stiu@sidley.com
13 TASHICA T. WILLIAMS (SBN 256449)
14 ttwilliams@sidley.com
15 SIDLEY AUSTIN LLP
16 555 West Fifth Street, Suite 4000
17 Los Angeles, California 90013
18 Telephone: (213) 896-6000
Facsimile: (213) 896-6600

19 ROBERT A. VAN NEST (SBN 84065)
20 rvannest@kvn.com
21 ASHOK RAMANI (SBN 200020)
22 aramani@kvn.com
23 NIKKI K. VO (SBN 239543)
24 nvo@kvn.com
25 SARA B. FAULKNER (SBN 263857)
26 sfaulkner@kvn.com
27 KEKER & VAN NEST LLP
28 710 Sansome Street
San Francisco, CA 94111-1704
Telephone: (415) 391-5400
Facsimile: (415) 397-7188

19 Attorneys for Plaintiff
20 GENENTECH, INC.

21 GARY N. FRISCHILING (SBN 130583)
22 gfrischiling@irell.com
23 JASON SHEASBY (SBN 205455)
24 jsheasby@irell.com
25 THOMAS JACKMAN (SBN 267504)
tjackman@irell.com
IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, California 90067-4276
Telephone: (310) 277-1010
Facsimile: (310) 203-7199

26 SANDRA HABERNY, PHD (SBN 260977)
27 shaberny@irell.com
28 IRELL & MANELLA LLP
840 Newport Center Drive, Suite 400
Newport Beach, California 92660-6324
Telephone: (949) 760-0991
Facsimile: (949) 760-5200

29 Attorneys for Defendant
30 THE TRUSTEES OF THE UNIVERSITY OF
31 PENNSYLVANIA

32
33 **UNITED STATES DISTRICT COURT**
34
35 **NORTHERN DISTRICT OF CALIFORNIA**
36
37 **SAN JOSE DIVISION**

1 GENENTECH, INC.,
2 Plaintiff,
3 vs.
4 THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, a Pennsylvania non-profit
corporation,
5 Defendant.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

) Case No: 5:10-CV-2037-LHK (PSG)
)
) **JOINT STIPULATION AND**
) **[PROPOSED] ORDER REGARDING**
) **TECHNICAL EXPERTS DURING**
) **CLAIM CONSTRUCTION**

)
) **Hearing Date:** December 8, 2010
) **Time:** 2:00 p.m.
) **Judge:** Hon. Lucy H. Koh
)

1 WHEREAS defendant the Trustees of the University of Pennsylvania ("the University") and
2 plaintiff Genentech, Inc. ("Genentech") have met and conferred regarding the use of technical expert
3 testimony in connection with claim construction in this matter;

4 THE PARTIES THEREFORE AGREE as follows:

- 5 1. The parties will meet and confer by Tuesday, December 14, 2010, to further explain
6 the technical expert subjects to be addressed by each party.
- 7 2. The parties will simultaneously exchange technical expert declarations on January 7,
8 2011.
- 9 3. The depositions of the technical experts will be conducted thereafter and will be
10 concluded by February 4, 2010.
- 11 4. The parties jointly request that the Court reset the filing date for the Joint Claim
12 Construction and Prehearing Statement, currently December 21, 2010, to January 7,
13 2011.
- 14 5. The parties will not call technical experts at the Markman hearing to give live
15 testimony, unless the Court so requests.
- 16 6. The remaining dates set by the Court in the initial case management order or in
17 subsequent orders should remain unchanged.

1 SO STIPULATED:

2
3 Respectfully submitted,

4 Dated: December 8, 2010

5 SIDLEY AUSTIN LLP

6

7 By: _____ /s/
8 M. PATRICIA THAYER

9 Attorneys for Plaintiff GENENTECH, INC.

10 Dated: December 8, 2010

11 IRELL & MANELLA LLP

12 By: _____ /s/
13 GARY N. FRISCHILING¹

14 Attorneys for Defendants THE TRUSTEES OF
15 THE UNIVERSITY OF PENNSYLVANIA.

26

27 ¹ Pursuant to General Order 45(X), the filer of this document hereby attests that concurrence in the filing of the
28 document has been obtained from Gary N. Frischling.

1 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

2 1. The filing date for the Joint Claim Construction and Prehearing Statement, currently
3 set for December 21, 2010, is reset for January 7, 2011.

4

5

6 SO ORDERED.

7

8 Dated: December 10, 2010

9


LUCY H. KOH
United States District Judge

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28